

REMARKS/ARGUMENTS

Interview Summary

Applicant's attorney gratefully acknowledges the Examiner's courtesy in speaking with the Applicant's attorney, Robert L. Shaver on November 2, 2009, regarding applicant's proposed revisions and comments prepared in response to the Office Action dated September 18, 2009. Consistent with that conversation, Applicant herein submits the following amendment and response for the Examiner's consideration.

Amendment

Claim 24 was revised to correct a typographical error. As such, 'duty ergonomic belt' has been corrected to read 'ergonomic duty belt'.

Objections to the Drawings

The Examiner objected to Figure 6, as the figure does not show "the ergonomic duty belt depicted in Figure 5 shown encircling a liner belt located interior of the ergonomic duty belt." The description of Figure 6 in paragraph 23 of the specification was amended to state: "Fig. 6 is a perspective view of the alternative embodiment of the ergonomic duty belt depicted in Figure 3." This amendment was submitted in response to item 14 on page 9 of the Office Action mailed from the USPTO April 9, 2007

As the description of Figure 6 in paragraph 0023, as amended, and Figure 6 itself are now in agreement, it is respectfully requested that the objection to drawing Figure 6 be removed.

Objections to the Specification

The Examiner has objected to specification paragraph 0027 as the shown in the original specification dated February 18, 2004. The paragraph was objected to as being self-referential. Paragraph 0027 was corrected as the Examiner presently requests in the response to item 15 on page 9 of the Office Action mailed from the USPTO April 9, 2007.

As the description of drawing 10 now refers to Figure 8, it is respectfully requested that the objection to specification paragraph 0027 be removed.

Claim Rejections - 35 U.S.C. § 112 (1st Paragraph)

Claims 29 through 34 were rejected under § 112, first paragraph as failing to comply with the written description requirement. The Examiner states that claims 29 and 33 recite a “semi-rigid duty belt” which was not disclosed in the original specification.

Claims 29 and 33 have been revised to read; “a duty belt formed of a semi-rigid material”. Support for this revision is found in paragraph 3 of the original specification. As the amended claims find proper support in the original specification it is respectfully requested that the Examiner withdraw the rejection to claims 29 through 34 made under 35 U.S.C. § 112 (1st Paragraph).

Claim Rejections - 35 U.S.C. § 112 (2nd Paragraph)

The Examiner rejected claims 29-34 under 35 U.S.C. § 112, second paragraph, as being indefinite and for failing to particularly point out and distinctly claim the subject the subject matter which applicant regards as the invention. Specifically, the Examiner argues that:

Claims 29 and 33 recite “an ergonomic duty belt, comprises: a liner belt; an outer belt; and a semi-rigid duty belt.” The Examiner further notes that Claim 32 recites “a lumbar pillow removably attached to a midpoint of said belt, configured to form a supporting feature on said inside of said belt.” The Examiner argues that: term “said belt” is unclear since claim 29, upon which claim 32 depends, claims an ergonomic duty belt which comprises: a liner belt; an outer belt; and a semi-rigid duty belt. The Examiner also notes that claim 33 recites “a lumbar pillow removably attached to a midpoint of said belt, configured to form a supporting feature on said inside of said belt.” The Examiner’s argument is that, as in the case of Claim 32, the ‘said belt’ is not clear since the claim recites: an ergonomic duty belt which comprises: a liner belt; an outer belt; and a semi-rigid duty belt.

Claims 29 and 33 have been revised in response to the Examiner’s rejection made under 35 U.S.C. § 112 (1st Paragraph) to read in part, “duty belt formed from a semi-rigid material”. Support for this revision is found in paragraph 3 of the original specification. No new matter has been added.

Claims 32 and 33 have been amended to read; “said outer belt”. The lumbar pillow, reference number 220 of Figure 7 is shown located on the inside of the outer belt. The lumbar pillow and attachment to the belt was also discussed in paragraph 48 of the original specification, therefore, no new material has been added.

As the amended Claims find proper support in the original specification it is respectfully requested that the Examiner withdraw the rejection to claims 29 through 34 made under 35 U.S.C. § 112 (2nd Paragraph).

Conclusion

For the reasons discussed above, the applicant feels that the application is presently in condition for allowance, and requests the same.

If the Examiner feels it would advance the application to allowance or final rejection, the Examiner is invited to telephone the undersigned at the number given below.

Reconsideration and allowance of the application as amended is respectfully requested.

DATED this 14th day December 2009.

Very respectfully,

/Robert L. Shaver/
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CERTIFICATE OF EFS-WEB TRANSMISSION UNDER 37 CFR 1.8

I HEREBY CERTIFY that this correspondence is being transmitted to the United States Patent and Trademark Office by EFS-Web on the date below.

DATED: This 14th day of December 2009.

/Colleen Kohler/
Colleen Kohler